



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2005 Senate Bill 465	Senate Substitute Amendment 1
<i>Memo published:</i> January 31, 2006	<i>Contact:</i> Dan Schmidt, Senior Analyst (267-7251)

Current law generally imposes a criminal sanction on a person who, at the time of issuance of a check, intends that the check not be paid. [s. 943.24, Stats.] The criminal statute does not apply to a post-dated check or to a check given for “past consideration” (generally, something previously received), except a payroll check. [s. 943.24 (4).]

Senate Bill 465 eliminates the exception in the worthless check statute for post-dated checks and checks given for past consideration.

Senate Substitute Amendment 1, like the original bill, eliminates the general exception for post-dated checks and checks given for past consideration but maintains an exception for a post-dated check given to a person licensed under s. 138.09, Stats. (for example, a payday lender licensed under that section) who agrees, for a fee, to hold a check for a period of time before negotiating or presenting the check for payment.

Legislative History

Senate Substitute Amendment 1 was offered by Senator Kedzie. The Senate Committee on Housing and Financial Institutions recommended adoption of the substitute amendment by a vote of Ayes, 7; Noes, 0. The committee recommended passage of the proposal, as amended, by a vote of Ayes, 4; Noes, 3, on January 25, 2006.

DWS:ksm